UNITY

FREEDOM FELLOWSHIP AND CHARACTER IN RELIGION

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Editors

John Haynes Holmes Francis Neilson

The Pacific Settlement of International Disputes

By

J. REUBEN CLARK, Jr.

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UNITY

"HE HATH MADE OF ONE ALL NATIONS OF MEN"

VOL. XCII. THURSDAY, OCTOBER 4, 1923 NUMBER 3

Our Program for Peace

The exclusive publication in this issue of "Unity" of Mr. Clark's "Memorandum," which we earnestly commend to our readers as the most important article which has appeared in our columns since we had the honor of printing for the first time in this country Mr. Levinson's plan for the "Outlawry of War," gives us opportunity of stating our position on the whole question of future policy for America and for the world.

From the beginning we have been opposed to the League of Nations, as we have been opposed to the abomination of the Versailles Treaty with which the League is so inextricably bound up. Our opposition was necessitated by the terms of the Covenant, and especially by the history of its origin in the Paris Conference of Peace. We believe, however, that this opposition was always open-minded—ready, nay eager, to be converted by the logic of events. Perhaps experience would show that the Covenant did not mean what it seemed to mean; or that it could be changed, in and of itself, in such way as really to serve the interests of peace and brotherhood. But alas, everything that has happened since 1919 has seemed to justify our repudiation of the organization. The League has proved itself to be effective only as it was intended by its makers to be effective—namely, as a convenient agent for enabling the victorious Allies (which has more and more come to signify France) to perpetuate and stabilize the iniquitous conditions of the Versailles Treaty. The story of the Saar Valley is here the perfect illustration. In all matters pertaining to the permanent peace and order of mankind, in the one all-important matter of ending war among the nations, the League has been what it was doomed to be from the beginning, a failure. The recent tragic fiasco over the Graeco-Italian quarrel is of course the final demonstration of this fact. We are glad to admit that the League has done, and is now doing, much valuable work in investigating and handling various social problems of international significance, particularly in the labor field; but all this is subsidiary to the question of war. The "sine qua non" of League success is the ending of this atrocious iniquity. It was for this purpose that it was created; it is to this end that it alone holds the interest of men. Failing here, it fails everywhere. And it is this perfect and final failure that now confronts us, making the September tragedy in Geneva greater far than the September tragedy in Yokohama.

It is because we believed that the League could bring much evil and little good to the stricken peoples of Europe, that we were opposed to the United States becoming a member. In view of what has happened, we can only be supremely glad that the great battle against the Covenant, whatever its motive in certain quarters, ended in triumph for the opposition, which included, let it be said, not merely Senator Lodge, but Senator Knox and Senator Borah. We agree with Nitti, in his last book, "The Decadence of Europe," that this decision by the Senate was an act of high statesmanship, fraught with infinite possibilities of good for mankind. What has happened is that the United States is free from the humiliations, disgraces and disasters which now overwhelm Europe, and is thus able to extend the helping hand in the making of peace as in 1917 she extended the helping hand in the making of war. Had she joined the League, she could have done nothing as a League member to prevent what has transpired; where England has failed, she also would have failed. She would only have become a part of that almost universal wreckage which now appals us. She would be going down with the others in a sinking ship. As it is, she is afloat in her own staunch vessel, and thus equipped to act.

BUT SHE MUST ACT! Never at any time have we believed that opposition to the League involved retirement on the part of America from world affairs. We have had not a grain of sympathy with the INTRANSIENT position which would have this country withdraw into isolation and fiddle while Rome burns. These two things do not, and should not, go along together. On the contrary, we believe that our refusal to join the League has inevitably placed upon us an awful responsibility to present something better in place of what we find not good enough, or altogether evil. It is because the Republican administration, headed by Secretary Hughes (an avowedly League man, by the way!) in the State Department, has adopted a practical do-nothing policy, but little changed by the feeble and timid suggestion that we join the League Court with reservations, that we have openly opposed and denounced the party in power.

It is because Senator Borah, himself a Republican but none the less consistently thwarted and ignored by the administration, has presented a constructive program of international action, and thus pointed the way to world-leadership for his country, that we have hailed him as our greatest statesman at the present moment, and made his policy our own.

What Senator Borah proposes, as laid down in his Senate Resolution, is well known to our readers. It had its origin in the plan conceived by Mr. S. O. Levinson, of Chicago, for "the outlawry of war," which was first published, as we have said, in these columns. Indeed, it is not robbing Mr. Borah of any credit or distinction to say that, in effect, his Resolution IS the Levinson plan laid officially upon the Senate table.

In the beginning, and for a considerable time, this program stood by itself as an out-and-out substitute for the League of Nations idea. Rivalry, or even hostility, between the Outlawry advocates and the League advocates, has been a conspicuous and lamentable feature of recent controversy. It was either one plan, or the other—you could not have both! More recently, however, it has begun to become apparent that the two programs might beneficially be brought together. At the bottom of this feeling is undoubtedly the thought that the machinery of the League, whatever its disuse or misuse, should not be wholly lost. Labor, money and great devotion have gone to the building of this machinery, and its wreckage should not therefore be allowed to register a total loss. There is salvage here, which must be secured! Then, from each side of the controversy has come the thought that the other side has something greatly needed to the fulfilment of the cause of peace. The Outlawry advocates need a court; why not take the existing League Court and make it over on new and better lines of organization? The League advocates desperately need the outlawry idea, for how can war ever be abolished so long as it is recognized and PROTECTED by international law? Then there is the old Hague Court—is this to be forgotten, or recognized in merely perfunctory ways? The world is in a desperate situation. All that we have, seems to be tumbling to pieces about our ears. Is it not time to get together, make a fresh survey of our plans, and work out a program upon which all lovers of peace can stand, to the utter confounding at last of militarism?

It is a program of this sort which Mr. Clark presents in his "Memo." It is a modification of his program, to the end of joining hands with the great host of League of Nations advocates, whose intelligence and devotion are indispensable in any permanent achievement, that we present herewith, in mere outline, as our own. Stated simply as a series of propositions, this is "Unity's" PROGRAM FOR PEACE:

(1) The outlawry of war as an institution, on terms of agreement among the nations that a declaration of war is a crime, and the participants in war criminals. The action of the nations against piracy is an illustration of what we mean.

(2) The recodification of international law on the basis not of the recognition and protection of war, as now, but of its outlawry. This would give us, for the first time in history, a real law of the nations, making for order and not disorder, for peace and not war.

(3) The establishment of a World Court exercising, as no world court has ever been empowered to exercise, original and affirmative jurisdiction. This Court would correspond roughly to our national Supreme Court in its relation to disputes between states. It should be established by taking over the existing League Court and modifying its terms of organization and powers of procedure to meet this new plan.

(4) The establishment of an international legislative body, to meet at regular intervals not so much for actual legislation as for discussion, investigation, resolution—and, most important—the periodical recodification of the new international code of law. Mr. Clark would have this body made out of the old Hague Tribunal. We suggest that it be the present League of Nations separated entirely from the Versailles Treaty and provided with a radically amended Covenant.

This, we affirm, is the new form into which the Borah Resolution should be made over. The United States alone among the great nations of the world, thanks to its insistent disentanglement from militaristic Europe, has the opportunity, and hence the august responsibility, to put this program into effect. When we were at Geneva in August, 1922, we came to feel that, to secure the adhesion of America, the League would grant any terms laid down by this country as a condition of membership. If this was true a year ago, how much truer must it be to-day, after the events of the last twelve months. Let the United States now announce its willingness to enter the League and join the League Court ON THESE TERMS —and the thing is done!

This is "Unity's" Program for Peace. It is constructive, thorough-going, and inclusive. We see no reason why all lovers of peace, from the conservative who would use armies to "enforce peace" to the radical who is absolutely non-resistant, should not unite on this platform. It is what we shall propose henceforth, with whatever little power we may have.

JOHN HAYNES HOLMES.

The Pacific Settlement of International Disputes

A Program

[Unity counts itself fortunate in being able to present for the first time in printed form, just as it presented for the first time the Levinson-Borah plan for "the outlawry of war," the following most important paper by J. Reuben Clark, Jr., a distinguished member of the New York bar and a profound and experienced student of international relations. This paper, we may say, rests upon official desks in Washington, and is destined, we believe, to play an influential, if not central, part in the formulation of a policy for American leadership in the great task of organizing the world upon a basis of peace instead of war.

This "Memo" of Major Clark pleases us first, from a theoretical point of view, because it makes central the Levinson idea for the outlawry of war as "a crime" so defined in an international code. This idea is the greatest contribution to the peace cause in our time; without it, no program is worth the paper on which it is printed. Secondly, this "Memo" pleases us because it points the way for a possible effective union of all the forces in this country now working for international peace and order. It is to us one of the tragedies and shames of the present day that these forces are working persistently at cross purposes and most of the time in open hostility. They are spending infinitely more time and energy in fighting one another than in fighting the common enemy, Militarism. This fratricidal strife among the peace-workers of America should end—and here is the way to do it. Champions of the Hague Tribunal, of the League Court, of the Outlawry of War, can unite on this program which combines in constructive synthesis the schemes and institutions which are dear to them all. We would ourselves make the reconciliation and co-operation still more complete—indeed, all-inclusive—by amending Major Clark's plan in such way as to use the present League of Nations (duly reorganized and wholly severed from the Versailles Treaty), instead of the Hague Permanent Court, as the nucleus of the "deliberative assembly, or World Congress" of which he speaks. This amendment would put behind the plan the immense intellectual and moral power of the present supporters of the League, whom we believe to be indispensable in the campaign that lies ahead. The League advocates, by the accidents of fortune, have unfortunately been manouvred into the position of preferring the League at any cost even that of peace, instead of preferring peace at any cost, even that of the League. Mr. Clark's program now gives them a chance to support and save their League for what it really ought to be—not an end in itself, but a means to the one end of peace.—John Haynes Holmes.]

A—Summary

The attached memorandum, after calling attention to some of the background—"The Grand Design" of Elizabeth and Henry IV, "The Holy Alliance," and "The League of Nations,"—points out there are now before the American people for their consideration, three proposals involving plans for the pacific settlement of international disputes, which, in the order of their announcement, are.—

1. Membership in the League of Nations, which the people unquestionably rejected at the last Presidential election.
2. The plan outlined in Senator Borah's Resolution providing for the "outlawry of war," the codification of international law, and the establishment of an international judiciary with affirmative (compulsory) jurisdiction.
3. The late President Harding's plan of adhesion to or participation in the "Permanent Court of International Justice" established by the League of Nations, either as the Court now is or after it has been separated from the League.

This Memo sketches a plan—and gives reasons therefor—for consolidating the plans of the late President Harding and Senator Borah, and for amplifying the same in a way that will add to the machinery proposed by them a deliberative body—a World Congress—which shall have authority to consider general matters affecting the world or special matters referred to it by two or more of the nations, such a Congress to be composed of representatives of *all* the nations.

This plan is to be worked out,—

1. By an international convention declaring international war a crime and its aggressive wager a criminal, with possible reparations, restitutions, and penalties.
2. By an international convention codifying international law, so that, a judicial system being set up with compulsory jurisdiction, nations may be able to know, *first*, what they ought to do under a given set of circumstances, and, *second*, the rules by which their conduct under such circumstances is to be judged if and when such conduct is called in question before the international judiciary.
3. By an international convention which shall accomplish the following purposes,—
   a. Perpetuate, as now constituted, the present Hague "Permanent Court of Arbitration" for such use as the nations may from time to time care to put it.
   b. Create a new permanent World Supreme Court to be constituted as follows:—
      Its first members shall be the members of the present League "Permanent Court of Arbitration."
      Members elected to take the place of these first members shall be not only nominated by the present Hague "Permanent Court of Arbitration" but shall be *elected* by that court also. For this purpose of election the Hague "Permanent Court" might, if such were desirable, be divided into a *first* and *second* electoral college, the memberships of each college being made up in some such manner as the League Council and Assembly.
      This Court should have compulsory jurisdiction in certain matters, perhaps those affecting interpretation of treaties and a part, at least, of those covered by the international code.
   c. Provide for the creation of Courts of First Instance which should sit in the capital of the defendant nation to the controversy, the members of the Court (three) to be chosen *one* by the plaintiff nation, *one* by the defendant nation, and a *third*, a national of neither party, to be one of the members of the World Supreme Court bench. The national members must be members of the Hague "Permanent Court of Arbitration" panel.
      The jurisdiction of such courts should be compulsory in some such manner as the Supreme Court.
   d. Enlarge the functions of the Hague "Permanent Court" panel so as to make that body a deliberative assembly—World Congress—which should sit at regular intervals (American members to be appointed by and with the advice and consent of the Senate) and which should have *recommendatory* powers as to all matters coming before them either of general import considered on the initiative of the Congress, or on special matters referred to it by two or more powers.

Some of the advantages which such a combined plan —with the amplification suggested—would have are pointed out in the Memo.

B—Memo

PRELIMINARY

"The Grand Design"

Certainly since the "Grand Design" (conceived, as it is said, by the brain of Elizabeth of England) was elaborated by Henry IV of France and published to the world by his great minister, Sully, statesmen and philosophers (obedient to the divine principles of Sinai and Gethsemane) have visioned and struggled for the abolition of war and the peaceful adjustment of international disputes.

The "Grand Design" provided for a disarmed, organized, leagued world, with national boundaries adjusted

to fit the view—perhaps whims—of its proponents; it provided an international army to maintain the *status quo* which it was to establish; it set up an assembly of the representatives of the nations composing it, for the discussion and adjustment of international disputes; it operated upon the consciences of the constituent national peoples by fixing the religion to which they should belong.

The immediate purpose of the "Grand Design" was the curtailment of the power and influence of Austria; its impelling motives were fear and hate of the Empire. It was in essence an alliance aimed against the then great dominant power which was to be stripped of possessions and confined within curtailed boundaries.

The "Grand Design" died with Henry.

"The Holy Alliance."

Two hundred years later, in the early part of the past century, a plan involving the basic elements of the "Grand Design" was insinuated into the visionary mind of Alexander of Russia, one of the most powerful and perhaps the most absolute of Europe's monarchs, who accomplished the formation of the Holy Alliance which was to guarantee the territorial adjustments following the reduction of Napoleonic France through an international army made up of the Allied Powers, and was to maintain the existing governmental status and form.

The purpose of the Holy Alliance—though cloaked by words of beatific benevolence—was the destruction of the dominating military power and influence of France and the perpetuation of the prestige, influence, and paramouncy of the nations forming it.

The "Holy Alliance" crumbled and fell.

The League of Nations.

One hundred years later the same ideas became again current in world affairs and the League of Nations was organized to give a sanction to the Treaty of Versailles, the purpose of which was to destroy Germany and to give France (who was to be backed by Great Britain and the United States) that position of dominating influence in Europe at which Germany aimed.

In essence, the League of Nations is, by intention and by actual operation, a military alliance among the Great Powers of Western Europe which, with their possessions and dominions and the flattered weak and small powers of the world, have regrouped themselves in a new "balance of power" arrangement. The real purpose of this alliance is to make secure to themselves the world-wide territorial, strategic, political, economic, and financial gains with which, through the intervention of the United States, they were able to enrich themselves at the end of the Great War.

These Great Powers (or at least France) hope, plan, and expect to retain these gains through the maintenance and enforcement of the pernicious, peace-destroying yet so-called peace treaties of which the Treaty of Versailles is the prototype.

To give to this purpose a semblance of respectability, legality, and justice, these Powers work, when it best suits their ends, through the instrumentalities of the League of Nations. They manipulate at will, and have always done so, the Secretariat, the Assembly, and the Council: they even tamper with the Permanent Court of Justice itself. Behind this whole panoply of pseudo-world organization sits the Council of Ambassadors—successors of the Supreme Council—the "Big Four"—dominating, directing, compelling the course of Europe and of much of the world,—all for the benefit of the newly-grouped Great Powers. A narrow national selfishness, never exceeded in the history of the world, is the driving force of the whole system.

Thus the League of Nations perpetuates the worst features of the "Grand Design" and "The Holy Alliance" and adds no new fundamental element of virtue. If history repeats itself, The League must fall.

PRESENT SITUATION

There are now before the American people for consideration (in the order of their presentation),—

1. The taking on of membership in the League of Nations.
2. The Borah Resolution plan, involving the outlawry of war, the codification of international law, and the establishment of an international judiciary with compulsory jurisdiction over international disputes.
3. The late President Harding's plan of adhesion to or participation in the "Permanent Court of International Justice" established by the League of Nations, either as it is or after it has been separated from the League.

The vote cast against it by the overwhelming majority of the American people at the last election, seems to eliminate membership in the League of Nations from present consideration.

This leaves the late President Harding's "Permanent Court" plan and Senator Borah's plan for further consideration.

In considering these two matters, there should be in mind certain existing international machinery framed to the same general end, that is the machinery provided for or set up by the Hague Convention for the Pacific Settlement of International Disputes.

The First Hague Conference (1899) (to which delegates were sent by President McKinley) framed, and The Second Hague Conference (1907) (to which delegates were sent by President Roosevelt) amplified and amended The Convention for the Pacific Settlement of International Disputes. This Convention provided for three methods of peacefully settling international disputes, as follows:—

1. Good Offices and Mediation on the part of disinterested nations.

The United States was the first to invoke this method of peaceful adjustment when it mediated between Ecuador and Peru while Mr. Knox was Secretary of State, and by so doing prevented those countries from going to war.

2. Commissions of Inquiry.

This machinery was used for investigating the Dogger Bank incident between Russia and Great Britain, during the Russo-Japanese war, and so averted what seemed to be an imminent possible war between Russia and Great Britain.

3. Arbitration.

The United States and Mexico were the first to use this method of adjustment under the Hague Convention, while Mr. Hay was Secretary of State, when the two nations took the Pius Fund Case to The Hague.

The United States as well as other powers, have since that time used The Hague Tribunal to secure the adjustment of a number of matters of the last international importance and danger.

The part of this Hague Convention which dealt with arbitration, provided for the creation of what was termed a "Permanent Court of Arbitration" which consisted of (at most) four persons nominated by each of the nations ratifying or adhering to the Convention, the national groups so named by the nations constituting in reality a panel or list of persons from whom nations, desiring to arbitrate their differences under the Convention, were to choose a court to try and to adjudicate the controversy between them.

A special treaty (*compromis*) was usually framed for creating a court for a particular case. The "Permanent Court of Arbitration" had no compulsory (affirmative) jurisdiction.

The Second Hague Conference also framed a Convention for the establishment of an International Prize Court which provided for compulsory (affirmative) jurisdiction in matters of prize.

The same Conference also provided—in the Convention respecting the Limitation of the Employment of Force for the Recovery of Contract Debts—that as to contract debts force might be used against a power which neglected to reply to an offer of arbitration or refused to arbitrate such a matter, or which, having agreed to arbitrate, refused to proceed, or which declined to carry out an award.

The Statute creating the *League Court* provides that the personnel of that Court shall be elected by the Assembly and Council of the League from a list of persons proposed by the various national groups composing the "Permanent Court of Arbitration" (described above) and by groups named by nations who are not members of that Court.

A Suggestion.

The plans of the late President Harding and of Senator Borah should be combined and then should be amplified by an incorporation therein of The Hague Tribunal which should have its functions enlarged so as to provide for a deliberative World Congress that should have powers of recommendation as to the general matters coming before it or as to the special matters which might from time to time be referred to it by the nations.

To carry out such a plan, the necessary international conferences should be called to accomplish the following matters:

I. A convention (treaty) should be framed for adoption by *all* the nations of the world that should declare international war to be an international crime and the nation waging it an international criminal to be punished by the nations in accordance with provisions and stipulations which the convention should set out and which might require the offending nation to make for its illegal action any or all of the following restitutions, restorations, and guarantees:

(a) To give up any and all advantages, whatever their nature or character, which it had secured through its illegal acts.

(b) To restore completely any and all property taken or destroyed in the course or as the result of its illegal acts.

(c) To pay the cost of all operations of whatever kind which were incident to the defensive or other measures taken by the other nations.

(d) To reimburse the nation attacked for all expenditures incurred by it in defending itself against the aggression of the offending state.

(e) To surrender for a period of years to be determined by the World Congress, such and so many of its customs houses as might be determined by the Congress which should provide a system for administering the same during the periods named and which should apply the proceeds thereof to the purposes enumerated under (b) (c) and (d) hereof, unless sums sufficient therefor should be earlier paid by the offending state from other sources.

(f) To pay as a penalizing indemnity such sums as the World Congress might determine. This indemnity might be used for the development, particularly the building of lines of communication, of such of the poorer nations as might be designated by the World Congress.

(g) To have applied against it, in cases of great gravity where the laws of war had been broken, the doctrines of retorsion and reprisal, the World Congress determining the extent to which these doctrines should be applied.

(h) To deliver to the World Congress for trial and punishment, those of its authorities who were responsible for the hostile acts.

But the Convention should further provide that war waged as an act of self defense upon attack, or as an act of self preservation either prior to attack or otherwise, or as a means of compelling an aggressive belligerent to desist, shall be justifiable and shall not entail the punishment hereinabove provided for.

Intervention pursuant to the terms of a treaty obligation or right, and interposition for the protection of oppressed citizens and their rights shall not be regarded as war within the meaning of the Convention.

The Convention should make provision for determining the aggressor, in case of threatened or actual international war (it might be done by the World Congress); and it must be considered whether it ought not also to make provision for concerting (when deemed desirable or necessary) common measures of defense or control by the defending or non-aggressive nation or nations against the aggressors, and for cumulative measures of pressure and restraint which the nations might use in their discretion to avert a threatened war.

While war will scarcely be abolished by resolution, and therefore the value of a convention outlawing war, judged as a measure to bring immediately the actual abolition of war, may be questioned, yet the making of such a convention would not be a vain thing, for it would crystallize a growing world sentiment against war, would declare a standard by which the nations and the peoples thereof would be entitled to judge every future war (condemning or otherwise the parties thereto in accordance with the standard set up) and would so give direction and form to the great operative moral forces of the world by which alone the ultimate disappearance of war from the earth may be accomplished.

II. A convention should be framed which should codify international law, both that relating to war and also, and particularly, that relating to peace.

While there may at first sight appear to be some incongruity in outlawing war and then providing rules by which war shall be waged, such an incongruity is rather a matter of abstraction than reality. The practical fact cannot be ignored that war will hereafter be waged, and it is of the highest importance that the rules by which future belligerents shall conduct their operations shall be laid down and agreed to before hand. Otherwise future wars will be mere welters of atrocities.

That the rules of peace should be codified is also necessary, particularly and indispensably so if an international judicial system, with compulsory jurisdiction, is to be created.

Just as under our Constitution there are certain individual rights which are beyond the reach of law,—for example, freedom of speech, of the press, and of religion, so there are among nations certain individual national rights which are not the subject of international law—for example the control of immigration and of

naturalization. Some such individual international rights are now recognized as beyond the scope of international law: but others are in the border land, and whether or not these latter should fall within the rules and prescriptions of international law, or should be left wholly outside its purview, and if brought within what should be the rule of conduct prescribed with reference thereto, are wholly unsettled questions.

Obviously a compulsory jurisdiction over international disputes by an international judicial system must be predicated upon an accepted rule of conduct pursuant to which a nation may frame its course and according to which its course when taken may be judged by an international tribunal. No nation may safely submit its conduct to compulsory review when it does not know *first* what it ought to do or is expected to do under the given circumstances, and *second* by what rule its conduct under such circumstances will be judged.

This marks the true distinction between *justiciable* disputes—those concerning matters which may be determined under and in accordance with a recognized rule of law of which the offending nation knew and by which it should have guided its conduct, and *non-justiciable* disputes—those which concern matters as to which there is no accepted rule by which nations may shape their conduct or by which that conduct may be judged.

Thus a full codification of existing international law is indispensable to the creation of any wise and effective international judicial system with powers of compulsory jurisdiction.

III. A Conventional arrangement must be made which shall set up an international judicial system with a compulsory jurisdiction covering as many subjects as it may be possible and wise so to provide for.

Senator Borah's Resolution calls for such a court but makes no specific provision therefor.

The late President Harding's plan contemplates participation in the "Permanent Court of Arbitration" set up by the League. The creating statute of that Court provides a way by which its jurisdiction may be made compulsory.

While the late President Harding's original plan called for a limited membership in the League, his final proposal was to divorce the Court from the League and to make it self perpetuating. This would mean that the Statute of the Court should be so revised that any nation might—or if and in so far as compulsory jurisdiction were adopted must—submit its international controversies to this court for determination. After the re-creation of the court under such a Statue, none of the nations would have anything further to do with it except to support it financially, to obey its mandates, or to revise from time to time its Statute.

Whether European powers will be willing to set up, and whether the United States ought to be willing to join in setting up, in the present state of world affairs, with its lack of prescribed international rule in so many matters of vital importance to the very life of nations, an independent, self perpetuating small body of men with the extraordinary, far reaching powers which that body would possess and which would inevitably touch on occasion the very vitals of national existence, may be legitimately and respectfully questioned. An apprehension is justified that such a plan will not be acceptable.

But however that point may be concluded, neither the late President Harding's plan nor Senator Borah's plan makes provision for a further necessary element of a world organization that shall be responsive to the present thought and aspiration of the peoples of the world in this matter, in that no body is in contemplation by either of them which shall act as a deliberative body upon matters that are not strictly legal but that affect and have to do with the general relations of all nations or the relations between groups thereof. The present League Assembly purports to act as such a body, but so many of the peoples of the world are outside of it (either from choice or because admission has been denied), it is so much a part of the political purposes, adjustments, and machinery of the Treaty of Versailles, and it is so completely, and under the circumstances inevitably, dominated by the local interests of Europe, that it fails adequately to respond to the requirements of a world organization.

It is therefore suggested that, to meet this further need, existing international instrumentalities be combined and their functions enlarged in order to provide, *first,* an international judicial system with compulsory jurisdiction, and, *second,* a deliberative world body—*World Congress.*

A new international Supreme Court should be created, entirely unconnected with the League, the members of which court should *not only be nominated* by the national groups composing The Hague "Permanent Court of Arbitration" (as is the case with the League "Permanent Court" under its Statute), *but also elected* by The Hague Court panel. By thus conforming to the principles of organization which are already operative in the selection of the members of the League Court, the great hitherto unsurmountable obstacle—namely, how to choose the members of such a court in a manner satisfactory both to the large and small powers—would be overcome.

It is also suggested that courts inferior to the Supreme Court should be provided for, so as to localize international justice as far as possible (a principle that has gone far to establish justice in the lives of the great nations), and so as to curtail the expense of international litigation which is almost prohibitive to the small poor powers.

The jurisdiction of these Courts of First Instance and of the Supreme Court should be partly voluntary or permissive and partly compulsory (affirmative),—perhaps compulsory as to treaty rights and compulsory or voluntary (as and to the extent agreed upon) as to international law rights as defined by an international code to be framed and agreed to by the nations.

A sanction of force might or might not be put behind the decisions of the Supreme Court, and the final decisions (if any) of the Courts of First Instance.

The Hague "Permanent Court of Arbitration" should be left as it is, so far as its jurisdiction in international affairs is concerned, while its functions should be enlarged to make it a deliberative body with the power of recommendation only as to its conclusions on general matters or on specific matters which may from time to time be referred to it by the nations.

In greater detail this plan is as follows:—

I. *The Hague Tribunal set up under the Hague Convention*:

This Tribunal (that is the Hague Court "panel") shall be continued as at present constituted, except that the members shall be appointed for a definite term of years (say five) and that American members thereof shall be appointed by and with the advice and consent of the Senate. The functions of The Hague Tribunal shall be,—

1. To act as a court under and perform all the functions specified for it in the Hague Convention for the Pacific Settlement of International Disputes.
2. To have the following additional functions, to which it shall be duly authorized by an international convention:
   (a) To elect the members of a Supreme Court, hereinafter described, from a list of persons nominated by the national groups who are members of the Tribunal and by national groups named (in the same manner as are the Hague Tribunal groups) by nations who are not members of the Tribunal. (In order to simulate more nearly the League machinery for the election of members of the League "Permanent Court," the Hague Tribunal might be divided into *first* and *second* electoral colleges which should, as to their component members, conform as nearly as possible to the groupings in the League Council and the League Assembly, and which should vote in electing court members in the same manner that the Council and Assembly now vote to elect members of the League Court.)
   (b) To meet in session at regular, prescribed intervals, and in special sessions upon the request of two powers, to discuss and recommend changes in an international code, to be drafted and agreed to by the Powers, and to deliberate upon and make recommendations concerning matters referred to the Tribunal by any nation or concerning such general matters as to the Tribunal shall seem to call for consideration or action. All actions recommended by the Tribunal shall be carried out as determined by the nations, either immediately or after consideration by international conferences specially called for that purpose by the interested nations.

II. *A world judicial system* shall be created consisting of three classes of courts,—

1. *The Hague Court* which shall stand as it is and have the powers and perform all the functions specified and provided for in The Hague Convention for the Pacific Settlement of International Disputes.
2. *Courts of Original Jurdisdiction, that is, Courts of First Instance.*

   These Courts shall sit at the capital of the defendant nation; each court shall be composed of three judges,—one member representing and chosen by the plaintiff nation, a second member representing and chosen by the defendant nation, and a third member who shall be a national of a third nation, neutral to the controversy, who shall preside over the court, and who shall be chosen by the Supreme Court (provided for hereinafter) from among its members.

   There shall be no fixed number of courts of First Instance; such a court shall be constituted each time the need therefor arises by reason of a controversy between two or more nations.

   Each member (other than the presiding member) of each such court must be a member of The Hague Tribunal panel.

   If more than two states are parties to a controversy, then each additional state shall appoint an additional member of the Court, of the same qualifications as the other national members of the Court. In such an event the Court shall sit at the capital designated by the Supreme Court.
3. *A Supreme Court.*

   This Court shall be of appellate and of original jurisdiction. It shall sit at The Hague, and be composed of nine (eleven) judges who shall be elected for a term of six years by The Hague Tribunal from a list of persons nominated by the national group members of the Tribunal or by national groups chosen by States not members of the Tribunal, as heretofore set out. The original members of the Supreme Court shall upon election be divided by lot into 3 groups, A, B, and C; Group A's term to expire two years from the date of election; Group B's, four years; and Group C's, six years. The successors of the members of these groups (who serve out the Group term) shall each hold office for a full six years.

   This plan would call for the election of three members every two years.

   No member shall be eligible for election to succeed himself more than once.

   The initial constitution of this court might be accomplished by adopting as its members the members of the existing "Permanent Court of Arbitration" of the League of Nations. This would coincide with the plan of the late President Harding.

III. *The jurisdiction of the Courts.*

1. *Courts of First Instance* shall have permissive jurisdiction of all questions arising between states and involving the interpretation of treaties and the application of the rules and principles of international law as defined by the international code; and compulsory (affirmative) jurisdiction of all questions as to which an agreement for such jurisdiction has been reached between the parties.

   These courts shall have authority to find the facts, determine upon and fix the remedy, and make an award. From the decisions of these courts, an appeal shall lie to the Supreme Court unless otherwise stipulated by the parties.
2. *The Supreme Court* shall have permissive jurisdiction as to all matters of original jurisdiction which shall comprise all matters referred to the Court by the parties disputant—and compulsory (affirmative) jurisdiction (1) of all appeals from decisions of the courts of original jurisdiction except those as to which the parties disputant shall in each case expressly agree otherwise; (2) of all matters which the parties have agreed shall be referred to Courts of First Instance and which one of the parties afterwards shall refuse to submit to such a court; and (3) of all other matters as to which the parties have agreed a compulsory jurisdiction should attach.

   Each party to a controversy before this Court shall be entitled to have one of its nationals sit as a member of the Court during the trial of such controversy, and if one of its nationals is not a regular member of the Court, then the Court shall appoint from The Hague Court Panel, a national of such disputant nation to sit with the court during the trial of the controversy.

   In cases of original jurisdiction, it shall have the same powers as the Courts of First Instance and its awards therein shall be final. In cases of appeals, this Court shall have authority to re-examine the facts, redetermine and fix the remedy, and make a final award. The awards of this Court may or may not have such sanctions as are specified in the Hague Convention covering the Employment of Force for the Recovery of Contract Debts.

IV. *Compulsory (affirmative) jurisdiction to be given to Courts of First Instance and to the Supreme Court.*

Compulsory (affirmative) jurisdiction shall be given, after some such plan as is provided in the Hague Prize Court Convention,—

1. Of all disputes regarding the interpretation of treaties, except those which the parties shall expressly reserve.
2. Of all disputes involving matters of international law as defined in and by an international code to be framed and agreed to by the nations, in so far as such jurisdiction may from time to time be agreed to by the nations.

Some Considerations Favorable to the Plan.

The foregoing suggestions provide a plan which will,—

1. Build up The Hague Tribunal, which is an already existing and accepted institution to which all the nations of the earth (not a part of them only) are now or may become parties, and to which a great majority of the nations have consented and to whose functions they are accustomed.

2. Establish a world judicial system under conditions involving no new instrumentalities for the creation of the system,—The Hague Tribunal groups already function in creating the League Court.

3. Involve no new principle in the election of the judges of the proposed Supreme Court,—the judges of the League Court are now elected by representatives of the nations (in the Council and the Assembly), and

this suggestion is to have them elected by the representatives of the nations assembled in The Hague Tribunal.

4. Bring international justice to the doors of the component national units by providing for local courts of first instance from which appeals may, in necessary cases, be taken to the Supreme Court (as in the American judicial system).

5. Make the initial trial of international disputes less expensive than the trial thereof before the Supreme Court in Europe. At present a small nation can fight a decisive battle for what it costs to try its disputes in Europe.

6. Provide a real compulsory (affirmative) jurisdiction in at least a part of the field of international relationships, instead of the weak and ineffective jurisdiction of the League Court, which has been strangled by the Powers and not permitted to function upon any important controversy.

7. Preserve the great provisions of The Hague Convention relating to Good Offices and Mediation and to Commissions of Inquiry.

8. Give to The Hague Tribunal certain deliberative, quasi-legislative functions which can serve as a safety valve for and a crystallizer of world opinion and as a formulator of desirable actions and policies, but without any sanction except the power to recommend,—thus securing in these respects all the advantages of the League Assembly without any of the disadvantages arising from the domination of the League Council and of the Council of Ambassadors.

9. Create a real judicial system with the minimum amount of innovation upon existing, accepted instrumentalities, and at the same time separate that judicial system from international political influences.

10. Eliminate entirely all connection with the League and with any and all of its instrumentalities, and thus eliminate all bases of criticism founded upon unwillingness to become affiliated with the League.

11. Eliminate all possibility of envolvement in League matters, commitment to League policies, connection with the enforcement of the iniquitous, peace-destroying war treaties, and participation in the enforcement of the League sanctions in arbitral matters.

12. Provide a system of world association which shall in no way sacrifice our own interest, our free institutions, or our sovereignty.

New York City. J. Reuben Clark, Jr.

Losing and Finding Community

Sociologists, publicists, moralists and men of serious thought are giving their gravest attention to the problem of our divided world. They see civilization split and shattered by innumerable divisive factors which threaten the very life of mankind. There is apparently no realm where these influences of separation and estrangement are not operative, and in most of these spheres they are working with dramatic and alarming swiftness.

In our economic life there are numberless strikes, lockouts, clashes. It is almost daily news to read of a fresh outbreak in industry, along some of the lines of cleavage which seem to be opening wider and creating chasms of misunderstanding.

In international relations the strain is immense and portentous. Recent events in the Meditteranean and Baltic are of the most solemn and terrible possibilities. The influence of nationalism is increasing hourly throughout our civilized world, and the menace of it simply cannot be overestimated.

In the realm of social life, new evidences are coming to notice of class war and hatreds. Revolutions are breaking out afresh; not revolutions of hope, inspired by a vision of a better world, but revolutions inspired by love of possessive power. Outrages such as those committed by the Ku Klux Klan are indicative of the recrudescence of class antagonism, race hatred, and religious bigotry.

In the sphere of ecclesiasticism we have witnessed drives in almost every denomination for the increased efficiency of the divisive machinery of our churches, and for the increased endowments of theological institutions which are destined to be soon superseded by a new religious life.

But the question naturally arises, why should men of serious thought give such grave concern to these processes, for they have existed for many centuries, and yet somehow the world has the habit of going on. Why not relax and relieve the strain of unnecessary anxiety over the social structure? Are not such people merely suffering from a form of egotism which they call altruism, but which is fundamentally an over exaggeration of the importance of their own concerns? Will not the world continue despite our "viewing with alarm"? Why is unity suddenly become of such vast importance as to make it a philosophy of life?

Let us see.

Any honest study of primitive society will reveal divisive factors at work in the world of five or ten thousand years ago. Instead of the nationalism of perhaps a hundred nations such as we have to-day, there was the tribal loyalty of perhaps thousands of peoples. Instead of the sectarianisms of Christendom, there was a religious system for each group of people, and frequently there were almost no points of contact and unity. There were also economic wars, such, for instance, as were recorded in the Bible, and there is every reason to suppose that these wars were raging in some quarter of the globe almost continuously. Yet the world survived! Why should not our world to-day fare as well?

There is a difference; a profound difference, which some easy optimists do not adequately realize. It is this: *Primitive society consisted of independent units.*

The world of five or ten thousand years ago was not an interdependent world, held together by a mesh of vital intercommunications and specialized services.

The "world" was not even a concept to the early man who was essentially a provincial in mind as well as in fact. He lived a life of almost complete isolation from the larger issues which hourly give concern to the civilized man of the twentieth century. *Modern man lives in a world of interdependent units, delicately adjusted to a system of international intercommunication. He is constantly exchanging specialized services. The "world" is not a mere concept to him, it is a fact; and he must adjust himself to it.*

These facts make a vast difference between the outlook for civilization in 5,000 B. C. and the outlook in 2,000 A. D. They require a re-valuation of attitudes and especially a revaluation of our concept of the highest good. Especially these facts make the problem of unity a fundamental problem. Community becomes the highest good in our modern world, for upon it, all other goods depend for their existence.

This makes especially pertinent three inquiries,—first, did unity ever exist; second, if so, how did we lose it; and third, how can we find it again?

First, did unity ever exist? The answer must obviously be relative, but it can also be affirmative. The outstanding characteristic of early civilization is the fact of *community within the local group.* Community means a common life, a common store of experience shared by all, a common cultural background, a fusing of variety into a unity. Prof. Cooley, one of the highest authorities in sociology, describes the life of early people thus: "In primitive society membership is intimate and exclusive, the individual putting his whole personality into it." In other words, early man shared with nearly all of his fellows, a common life. There was a common blood bond, a common religion, a common history, a culture which united, an experience largely shared by all members of the group.

Of course it is important that we do not allow distance to lend enchantment to this view. We must not forget that primitive man was an individual, with a separate will, and that he did not completely surrender his will to the group. But the fact stands out that in early society there was relatively speaking a strong sense of community. The social solidarity of the local unit was one of the cardinal principles of primitive civilization. The individual defended it with his life. His education consisted largely in being initiated into the mores of his tribes, and morality consisted in following these mores in their broader outlines.

This in brief answers the question, has there ever been a unity among men? There has been, relatively speaking, within the group. Between groups it did not exist, neither was there a necessity for its existence.

Second, how did this sense of community become lost? The answer which is most important for our consideration may be summed in the single process—*specialization.* To refer again to Prof. Cooley:

> As groups become numerous and complex there comes to be a kind of parcelling out of personal activities into somewhat impersonal functions, with special associates in each function. A person, while as much dependent as ever upon the group system as a whole, grows less and less identified with any one group. His relation becomes selective, each man working out for himself a system of life different from that of any other man, and not embraced in any one set of connections.

The result of this process of "parcelling out of personal activities" is the growth of institutions, which carry on the interests of mankind. Thus is set up the losing of the sense of community. In primitive society, family life, education, industry, religion and other vital interests are considered as *functions of the community.* Most of the activities are thus engaged in by most of the people most of the time. There are numerous points of common contact.

But when institutionalism emerges, the basis of life shifts from community to association, and as Prof. MacQuer has shown, associations do not make communities. Under the reign of association, interests pass from the regulation of the common group to supervision by the selective group. Gradually, a bewildering variety of activities and interests is built up, and the individual is not able to enter into them all. The power of imagination and sympathetic understanding is limited, and the result is that institutions and modes of life spring up which cannot be shared by all. While specialization makes for breadth and variety in one direction, it also makes for separation and conflict of interests in the other. A community which is composed of small groups, each of which is performing a distinct function which involves a distinct mental life, will obviously cease being a community.

Thus a sense of unity is lost. Institutions and associations replace community. Viewpoints become varied, and society approaches the point where it is in danger of disintegration.

Third, can the sense of community be regained? To the classical school of economists such as that of Adam Smith, this was a simple problem, for to such philosophers there was a necessary co-ordinated action among all these specialized interests making automatically for the common good. To quote Smith, the individual, seeking his own good, is "led by an invisible hand to promote an end which was no part of his intention." Smith definitely dissuades business men, for instance, from trying to sell for the common good, for such activity is merely "an affectation," and comes to naught. By a process of *laissez faire,* these separate and specialized services become integrated into the highest good for the highest number, because it was for the best interest for the individual to provide only such services and to perform only such acts as are most serviceable to society as a whole.

But to-day we realize the inadequacy of this old *laissez faire* policy, and are thoroughly disillusioned

about automatic processes making for the highest good of all. If men are left to themselves, they will not be unconsciously and impulsively led into a sense of community. As a matter of fact most men would rather belong to an association which has been built up around some of their vital interests, than belong to the "rounded catalog, divine, complete," which may include people, activities and processes in which they are not profoundly interested. It is easier, and probably more pleasant for instance, to belong to two or three clubs in the neighborhood than to belong to the neighborhood itself. The more selective the group, the more attractive. It is easier to belong to a local section than to a nation, easier to belong to a nation than to a "world" or to "society."

And yet—despite the fact of *psychical* selectivism and specialism, we do belong *physically* to these vague groups called the "world" and "society." Walter Lippman has put the case clearly and succinctly when he says:

It is sometimes said that we live in different worlds. It would be truer to say that we live in the same world but think and feel in different ones.

Such a world is in a precarious situation. It cannot leave the solution to *laissez faire,* or to unconscious processes. It must have a definite, conscious philosophy for discovering community in the chaos and confusion of associations, and specialized viewpoints. It must *seek* for an economic community, an international community, a religious community, a social community. In other words, in each of these spheres, we need a new statesmanship which recognizes the new situation of interdependence existing between peoples and groups, and that constructive statesmanship must recognize the basic and radical importance of community. It is along this fundamental line that we shall find peace and stability. Centrifugal social forces must be brought into control, and a common life developed for every man and every man developed to contribute to a common life.

CLARENCE R. SKINNER.

Labor in Italy and Germany

[An Interview with Laurence Todd.]

Editorial Correspondence.

I have met Laurence Todd several times. He is in Europe for a year on leave of absence from his post, as correspondent of the Federated Press, at Washington, D. C. Before he left for the south I asked him several questions.

The first was about Italy, where he spent the early part of last winter.

"Labor in Italy," he told me, "is suffering from wages being continually reduced, and from a dissolution of their contracts, their employers refusing to recognize the unions. In fact, there are no trade union activities in Italy outside the Milan district. In Florence, Naples, Palermo, the Fascists have broken them up. Trade union headquarters in Rome have been shut. Out of 10,000,000 due-paying unionists a year ago only 10 percent remain. The general secretary of the Italian Federation of Labor did not dare come to Milan, for fear of being stabbed."

Mr. Todd said he found also that the Fascists had done their worst to break up the co-operatives.

In fact, they have destroyed a large proportion of the co-operatives by threats and violence. Property, belonging to co-operatives, such as cafés, stores, reading-rooms and theatres, had been destroyed. The Fascists have also cut off government credit from the co-operatives. I visited the office of the *Avanti* (Milan) which had been twice burned, the last time, October 22, at a loss of $100,000. This fell hard on the workers. It was a complete destruction. . . . Further, in order to root out the unions, the Fascists have founded unions, all the officers, from national to local offices, being appointed by the Fascists, who claim 1,000,000 members. As a labor organization it is a farce!

"I understand," said Mr. Todd, "that propaganda is in progress in America to show the patriotism and idealism of Fascism. Such propaganda is on a par with propaganda conducted by the U. S. Steel to justify its policy of repression and violence."

"You have been in the Ruhr? What about it?"

Yes, I spent a week there with my friend Louis Lochner. I went through Krupp's work a few days before the slaughter. I went into coal mines; and by the way there are half a million miners in the Ruhr. I interviewed mayors—who a half hour afterwards were arrested and led handcuffed through the streets. I dodged detectives and soldiers and talked with councilmen and workers. It is as clear as daylight that violence and terror are being employed. It is true also that the workers are the strength of the "resistance"; that the seat of government is passing naturally to the works councils. Few people doubt that the French motive is annexation rather than reparation. The whole situation is, of course, full of danger.

"Tell me what you think the workers of America have to learn from Germany."

There are two distinct things. First, they can learn much from the works councils. In Germany, these councils founded by the workers, are practically in partnership in the business. It is not a case of recognizing organized labor: but organized labor is in the councils of the administration of industry. Second, German law permits workers to select two members to each industrial corporation. This means open diplomacy. It means that through their representatives the workers can get full information about the conduct of business.

"Tell me, Mr. Todd, what, if anything, have the workers benefited by the Revolution?"

First, the workers have passed into the enjoyment of privileges, educational, social, and economic, once enjoyed almost exclusively by the middle-class. The public schools are changing in the direction of democracy. Labor is having a large share in administration. While the wages of the workers are very low at present, they are better comparatively because of the Revolution.

In some particulars, the workers are worse off than other classes; since appeals are often made in the interests of the middle classes, although these classes are in a less favorable position than formerly. These classes are still struggling to remain outside the laboring classes.

"What can America do in the present crisis?"

I find that America, through the child-feeding, has earned a good name. This feeding has helped to offset reactionary propaganda. America could do a still greater thing by forcing a conference on reparations, debts, and possibly on reconstruction of Europe. No one can see the German people at work, without realizing the futility of attempts by another government, to starve them into submission to militarism. The reaction in Bavaria will not be successful. German workers are too powerful—being 12,000,000 strong. Germans are not a warlike people, but they are pathetically anxious.

Berlin, Germany. SYDNEY STRONG.

THE STUDY TABLE

The Days of a Man

Curiously the first contact I had with David Starr Jordan was the receipt of a notice from him that he had recommended me for membership in the *Society of American Wars!* As I was too young to participate in our Civil War, as I was throughout opposed to the Spanish War and as I was never in sympathy with the caste tendencies of the Daughters and Sons of the American Revolution, I was not especially interested in the recommendation. Two or three later notices were received but I was not responsive to their message. When these bulky volumes of autobiography* came to hand, I turned to the index at once to see what was said about the Society of American Wars. I found no mention of it there or in the volumes. Yet my memory in the matter is clear. I have often wondered why David Starr Jordan was interested in the organization and why and when he ceased to be so.

Turning however to what the book does contain—it is a simple, straightforward statement of the life of an exceptionally useful man. Few Americans have played an important part in so many directions; few have gained so widespread and general affection and respect. At seventy years he looks back upon a busy life, productive of notable achievement. Omitting many not unimportant things to his credit, David Starr Jordan has done high service in three different fields—scientific research, educational administration and the peace movement. What he has accomplished in any one of these fields would entitle him to credit and fame.

Primarily and by choice, David Starr Jordan is a zoologist, with special interest in fishes. He was perhaps the youngest of that group of students who drew inspiration from Agassiz and who formed the most brilliant galaxy in American science. In 1873, when he was a teacher in a small western school, he was a member of the summer school at Penikese. It was the first experiment of its kind. This experience and the things directly resulting from it had great influence upon the young man. Was there ever a greater teacher in science than Agassiz? Were ever students more fired with enthusiasm than his? Agassiz himself was never a supporter of evolution: in fact, he is said to have always referred to it as "the dével--opment theory"! Yet every one of his favorite students, all of those upon whom he most definitely left his impress, became evolutionists. It is a wonderful tribute to Agassiz as a man.

We believed in the absolute freedom of science and that no authority whatever can answer beforehand the questions we endeavor to solve—an attitude strikingly evidenced by the fact that everyone especially trained by him afterward joined the ranks of the evolutionists. For he taught us to think for ourselves, not merely to follow him.

Jordan was not only a believer in evolution, he has been a pioneer in its teaching. In connection with Vernon Kellogg, then on his faculty at Stanford, he wrote two little books.

We wrote together two textbooks, which have had a wide sale, "Animal Life" (1900) and "Evolution and Animal Life" (1907), the latter embodying our lectures on these topics. In "Animal Life" we attempted to put into clear form, for students' use, not merely a set of zoological facts, but also the most important general laws governing organic development. Thus for the first time in a school text the principles of evolution were brought into relation with the facts of biology.

Jordan's first serious contribution to science was "A Manual of Vertebrates of the Eastern United States," published in 1876, which has been much used and has gone through ten editions. When it was written he was teaching in Indianapolis, first at the High School and later at Butler College. During many years following he pursued field studies upon fishes in many parts of the United States, and in foreign lands—including Mexico, Japan, the South Sea Islands. Constantly teaching, he also worked in connection with the Smithsonian Institution, the United States National Museum, and the Fish Survey. He was a great taxonomist and his descriptions of species and genera of fishes were masterpieces. He frequently served as expert and adviser in public questions and international problems connected with fisheries and sealing. This service on commissions and international conferences undoubtedly contributed to prepare him for his later work in favor of peace. Dr. Jordan was notable in the way in which he attached younger men to himself and cooperated with them in their special work. Judgment of his achievement must consider not only the work that appears specially as his own, but also the results of the labors of himself and his followers. His "Guide to the Study of Fishes" appeared in 1905. It was "an elaborate work in two large, well-illustrated volumes and designed to contain all matters of popular general interest in regard to the anatomy, habits, and classification of fishes. Looking through the perspective of years, I think it may be fairly called a monumental piece of work." Most of his scientific writings were of course technical and special; they were of the highest value, but could be appreciated only by the specialist. His last great general work was "The Genera of Fishes." The comment he makes upon it indicates the breadth and significance of his contribution to ichthyology.

The completed work enumerates 7800 names; of these about three-fifths are valid and destined to endure and about 1200 have been given by me or my students, Eigenmann especially.

Dr. Jordan's main work in education was in connection with Indiana University and Leland Stanford Junior University. His earlier teaching was done in such schools as Lombard College, Indianapolis High School and Butler College. It was of a character to attract notice and among his students there were men of promise, who filled with enthusiasm by his earnestness, followed him to other schools and larger usefulness. In 1879 he was called to the chair of natural history at Indiana University, then a relatively unimportant school. His work was satisfactory, and the presidency of the university becoming vacant, he was invited to accept it. This was a great thing for him, for the institution, for the state. It was soon evident that he was a great educator, an inspiring leader, a wise administrator. The institution soon gained a respectable position among state universities. There was a boldness of thought, an atmosphere of freedom, a spirit of progress that attracted wide attention. Conservatives shook their heads at some of the innovations, but the people of the state realized that the leader was in deadly earnest and that he was a man of vision. Not all his experiments were happy or successful, but they were worth the trial. Jordan might easily have remained at Bloomington for the balance of his life,

*"The Days of a Man." David Starr Jordan. Yonkers-on-Hudson: 1922. World Book Co., 2 vols., 8 vo., pp. xxviii, 710; xxviii, 906.

but a new and greater opportunity came to him. He was a graduate of Cornell University and had made a deep impression upon Andrew D. White. They had a deep mutual respect, and their friendship only ended with the death of his old president. In 1885 Senator Stanford announced his purpose to found an institution to the memory of his son, Leland Stanford, Junior. He had made a personal study of various institutions of advanced learning in order to gather ideas for the proposed school. On the whole Cornell came nearest to his ideal and he turned to President White for advice and offered him the presidency. White declined the invitation, feeling that he had done his work in the direction of developing universities, but recommended David Starr Jordan. The invitation was given to him and, after some consideration, accepted. The development of Stanford University as told by Jordan is most interesting. Some of the more romantic and spectacular incidents are generally known. Dr. Jordan details the hopes and aspirations, the anxieties and difficulties, the ideals and the work. The institution had no hampering traditions; it has been possible to test ideas, to try experiments, to materialize theories, as almost never before. From its foundation it has been a power in the state and in the nation. To an exceptional degree it has drawn students from every part of the world. Its graduates wield a powerful influence wherever they have gone. Jordan remained president from the founding until 1913, a period of almost thirty years. He was then relieved from continuous active service and appointed chancellor. The action was taken to permit him to devote his time and energy to propaganda against war, in which he had become deeply interested. In 1916, having reached the retiring age (65) he became Chancellor Emeritus. The formal action taken by his Board of Trustees on that occasion was a deserved tribute to a great educational career.

Readers of UNITY need no detailed statement of David Starr Jordan's work for peace. He has used our columns many times. His friendship for Jenkin Lloyd Jones is mentioned in the book, which also contains an excellent portrait of UNITY's founder and editor. We know and appreciate Jordan the pacifist. In 1909 he was chief director of the Edwin Ginn World Peace Foundation; in 1910 he was an adviser regarding the Carnegie Endowment for International Peace; in 1911 he went to Japan to lecture on the World Peace Foundation. This was his second expedition to that country; the first was for the study of Japanese fishes. It happened that I was in Japan at the time of his lectureship and, as I was in the way of hearing much comment on the part of Japanese with whom he did not directly come into contact, I read his account of this with special interest. Japan—the ordinary intelligent people of the country—was somewhat puzzled, somewhat irritated at his visit. Two expressions were common. Some asked: "Why has he picked on us to talk peace? We are peaceful enough. Why does he not go to Europe and talk to Germany, France or Russia?" Ohers said: "They must fear us dreadfully there in the United States, when the head of a great educational institution leaves his duties and hurries here to persuade us to peace!" From 1911 onward Dr. Jordan devoted even more time, thought and effort to develop pacifist ideas and to bring about friendship between nations. After the great war began, and up to the moment when we entered it, he was untiring in his efforts. The whole story as here narrated is stimulating.

When Dr. Jordan reached his seventieth birthday anniversary there was such an outpouring of friendly appreciation as rarely comes to any man. It was the spontaneous expression of regard for the man of science, the great educator, the apostle of peace.

FREDERICK STARR.

CORRESPONDENCE

PESSIMIST PHILOSOPHY.

The Editor of UNITY:

Inasmuch as Mr. Reeman has recently introduced the subject of "Philosophical Pessimism," possibly your readers may be willing to consider a few further remarks touching this subject.

First, may I ask whether pessimism is properly a philosophy? Is it not rather the negation of any philosophy? So far as philosophy has any meaning, it is the search for rationality, order and unity. Rationality, so far as we ever think that we discover it, is beautiful. Thus, the thought of a universe is pleasing to the mind.

Now, so far as I have traveled the pessimist path, I find nothing rational, orderly, or beautiful. The further I pursue it, the less satisfaction does it bring or reach, in positive or constructive terms, with regard to any intellectual problem. It throws no light even upon the nature of what we call evil. It conducts into a region of the utmost obscurity.

I am rather inclined to report that I find pessimism to be a mood or attitude of mind. In this attitude I may indulge my critical intelligence in various speculations concerning the universe, as well as various human problems. The result is nothing but a somewhat uncomfortable sense of muddleheadedness. So far from finding a theory or philosophy, I merely raise the idle echoes of the old cry: "What is the use?" or "What is truth?"

In the pessimist mood, I am never at my best, in physical, mental, or moral health. The pessimist region or atmosphere is not wholesome for any side of my being as a man. It indicates low vitality. Everyone must agree, I think, that life is hardly livable in the terms of out and out pessimism. Perhaps there is no consistent pessimism, the nature in you protests against utter, that is, actual and hopeless pessimism.

I must confess that there is a tinge of intellectual pleasure at any or almost all times in the radical use of the skeptical intelligence, as in handling an ingenious tool. You get a devouring sense of all kinds of evil, and specially in the world of men. You may even attain a momentary exhilaration in the release which pessimism seems to give you from any nagging old-fashioned responsibility to mend or help atone for the evils which prevail on all hands. Lo! It is given to you to hunt out the dark secret of the emptiness of the world —the unreality of men's ordinary estimates and values. At least you and I are left, a few sound heads, on the discerning edge of the world's vast foolishness and superstition.

But wait a moment, till pessimism has done its perfect work with us. Is this secret of the world's worthlessness, its ugliness, or its utter inscrutability, to be called wisdom? What if it is a hideous error? What if our pessimism has come to be a corroding disease. I have come to be aware that to think evil of the world or of men, or of my curcumstances, even in trifles, does me harm as a man. Conceit and egotism are enemies; pessimism feeds and cherishes these enemies.

This is not to say that the use of the critical intelligence to the utmost is not a necessity. At its best, it is like the hand of the Almighty guiding us. Let us not withhold it from its most searching use in every direction. It is the truth-seeking faculty in us. If there is any dreadful secret, or any dark corner in the universe, by all means let us do our best to discover it. But we shall go with the clearest vision and with the most likelihood of success in opening up the dark closet and turning the dreaded secret into good, in proportion as we proceed with faith and hope. The pessimist mood never will help us. As a pessimist, I always am asking: "What is the use?" My pessimism lowers my normal interest, my zeal, my curiosity, and especially my spirits and my morale.

One thing more. I do not feel that Mr. Reeman has given us a strong enough dose of 100% pessimism. As a full-blooded pessimist, I cannot recognize anything under this name with

THE FIELD

"The World is my country, to do good is my Religion"

BOOKS RECEIVED.

THE BEACON PRESS, 25 Beacon Street, Boston.
"Because Men Are Not Stones," by Jabez T. Sunderland.
"Transylvania in 1922," compiled by Louis C. Cornish.
"A Century of Unitarianism in the National Capital," by Jennie W. Scudder.

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, Washington, D. C.
"Relations Between France and Germany," A Report by Henri Lichtenberger.

B. W. HUEBSCH, INC., 116 West Thirteenth St., New York.
"Falsification of the Russian Orange Book," edited by Baron G. von Romberg.

LONGMANS, GREEN & Co., 55 Fifth Ave., New York.
"Personal Religion and Public Righteousness," by Rev. Peter Green.

THE MACMILLAN COMPANY, 64-66 Fifth Ave., New York.
"Selected Poems," by John Masefield.
"The New Poetry," revised and enlarged edition, edited by Harriet Monroe and Alice Corlein Henderson.
"The Threshold," by M.W.A.
"Castle Conquer," by Padraic Colum.
"The Ancient Beautiful Things," by Fannie Stearns Davis.

Pamphlets Received.

EDGAR F. BLANCHARD, Flagstaff, Arizona.
"Acts I:II and the Second Coming," by E. F. Blanchard.
"Scholarship and Religious Belief," by E. F. Blanchard.

GEORGE H. DORAN Co., 244 Madison Ave., New York City.
"Why Not Try Christianity?" by Samuel Zane Batten, D.D.
"The Economic Order—What Is It? What Is It Worth?" by John H. Gray.

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA, 105 East 22nd St., New York.
"Labor Sunday Message, 1923, of the Commission on the Church and Social Service and a Review of the Year, 1922-1923."

J. S. OGILVIE PUBLISHING COMPANY, 57 Rose St., New York.
"Non-Stop Production as an Economic Necessity," by W. V. Marshall.

OTHER PAMPHLETS:
"The Ruhr Invasion and the Ethics of Repentance," by Dr. Henry Neumann.
"Justice for Hungary," Senate Document No. 346—Petition to Congress of United States relative to a plea for justice for Hungary and peace for Europe.
"In Memoriam—Warren G. Harding," by Rev. Clarence Reed, Oakland, Cal.

MAHATMA GANDHI'S OWN BOOK.

A saint anointed by public acclaim, practical politician, publicist, teacher of temperance and simple living, Mahatma Gandhi must remain a unique figure in world history even if his career ends with the six-year jail sentence passed on him a year ago, and which has crowded his name for the time being from the headlines of occidental notoriety. Out of India have come many great religious teachers, many great ethical philosophers and saintly men, but Gandhi stands above all of them as a successful leader of a mass movement which denies itself all forms of violence and commits its adherents to a life of rugged abstinence. This is the man whose book is now to be given to the world.

In the face of the most tremendous difficulties and in a moment of grave national crisis, Gandhi dramatically swung the whole Indian Home Rule movement from what seemed an inevitable adoption of violent tactics. It was just in that period after the war when the Indian people were coming to the painful realization that their support of Britain during the war was not to be rewarded by any devolution of Imperial control and at the very time when every Indian was boiling with indignation over the atrocities committed at Amritsar, and other places, by the military commanders of the English army of occupation. Few statesmen and few generals have ever attempted so magnificent a feat as Gandhi's. The Non-Co-operation or Civil Disobedience movement which he inaugurated is in effect the most widespread application of the principles of Tolstoy and Thoreau ever put into practice. While Gandhi is in jail his movement goes on and the boycott of British goods and British government is seriously embarrassing to English business interests and the Imperial administration.

Gandhi was a figure in the Indian independence movement long before he became world famous. Tolstoy wrote to Gandhi when the Indian leader was conducting his first campaign of non-violent" resistance against British rule in the Transvaal in 1910, that Gandhi was then carrying on the "most important of all the works now being done in the world." Though the world at large knows something of the romantic personal qualities of the man Gandhi, and many realize his importance in world politics, hardly anyone outside of India has read the words of this prolific and indefatigable publicist. From 1919 to 1922, Gandhi conducted a weekly paper in Ahmedabad, called *Young India* and his contributions to that journal form the only substantial embodiment of his theoretical and practical teachings.

A selection of these writings of Gandhi has been made by his associates and will be published here this autumn, in a volume of 1200 pages, by B. W. Huebsch. It will bear the title

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a large dilution of optimism in it. I cannot recognize the pessimism that lays bare the realm of the stars and the atoms, but reserves outside the realm of the spirit. Mr. Reeman's paper seemed to me a splendid *tour la force,* quite in the line of the great prophetic text: "Though He slay me, yet will I trust in Him!" That seems to me a noble flight of optimism. No pessimist ever says that, or can say it. No one quite says this in the blinding fog of a pessimist mood. A man at the height of vision says it, being at his best as a man, when he says it. He says it because nothing in the universe seems so true; he says it not, I think, because there is any reason of his own that can make him secure of the truth of what he affirms, but rather because the same wondrous creative life that speaks to us through the beauty of flowers, and the eyes of little children and the brave deeds of true men, acting like a great urgency within us, inspires us to say it; and no voice of negation at that time can veto it. And I think that the light which shines at such times out of the realm of the spirit presently overflows all the world, like the smile of the Eternal, and takes up every material thing from the atom to the star and pronounces it all as divine. For the living spirit is all that counts or endures.

Jamaica Plain, Mass. CHARLES F. DOLE.

A LETTER FROM OUR BULGARIAN REPRESENTATIVE.

Dear UNITY:

. . . The revolution in Bulgaria was the best, the only good thing that could happen. Stambolisky was insane or suffered from insanity. *He enacted laws to legalize committed crimes.* I do regret his murder, it condemns the moral conditions of the country, but his life had become a forfeit for thousands, because of his downright criminal conduct *in all the walks of life.* Order is established and person and property are secured.

Sofia, Bulgaria. P. M. MATTHÉEFF.

of the organ in which they originally appeared, "Young India." Not only large numbers of the Indian people but men and women in every country regard Gandhi's words as almost sacred, but Gandhi himself has never taken on the manner or authority of one superhumanly inspired. His articles are direct, practical and forcible. . . An extraordinary combination of qualities can be seen in his campaign to re-establish the home-spun industry in the Indian villages—a move which is directed at the pockets of the Manchester cotton manufacturers who have so much influence in English politics as well as at regenerating the old spirit of simple and religious life among the people of India. Gandhi counselled a pacific resistance to British rule as a practical programme and because, though a Hindu, he is a follower of Tolstoy and Thoreau. It may surprise many Americans to find Gandhi advising his followers to read Thoreau on civil disobedience. Every phase of the struggle in India since the war, every detail of his people's struggle for national integrity, every aspect of the teachings of non-resistance and non-co-operation is dealt with in this collection of Gandhi's writings.

The treasury of sacred books contains nothing quite like Gandhi's "Young India" and few books better adapted to the modern man seeking for peace and happiness in a world full of wars and the threats of war.

—*B. W. Huebsch, Inc.*

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